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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/631,219
Applicant: Richard Scheps
Filed: 07/ 28/ 2003
For: LASER DIODE PUMPED SOLID-STATE DYE LASER AND METHOD FOR OPERATING SAME

Examiner: Van Roy, Tod Thomas
Art Unit: 2828

30 January 2008

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Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY TO NON-COMPLIANT APPEAL BRIEF NOTICE

Sir/Madam:

In response to the Notification of Non-Compliant Appeal Brief mailed 25 January 2008, please find attached a revised Evidence Appendix properly appending all evidence relied on in the appeal.

Respectfully Submitted,

/J. Eric Anderson/

J. Eric Anderson
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EVIDENCE APPENDIX

Declaration of Richard Scheps under 37 CFR 1.132, submitted to the Patent and Trademark Office on 5 September 2006.

Page of MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 1073 (10th ed. 1997), showing the definition of the word, "several."

Declaration of Richard Scheps Under 37 CFR §1.132

1. I, Richard Scheps, declare as follows under penalty of perjury:

2. I hold a
   PhD., University of Chicago 1973
   BS University of California, Berkeley, 1968

3. Since 1981, I have worked continually in the field of optical research, particularly involving lasers. I was employed by Spawar Systems Center from 1981 to 2003.

4. I have reviewed U.S. Patent 5,530,711 (711) and U.S. Patent Application 10/631,219 (Application).

5. The reference 711 is not sufficiently specific to enable one skilled in the art at the time of the Application to make a diode-pumped solid-state laser that operates in a non-steady-state mode, as described in the Application.

6. I have reviewed the U.S. Patent Office action regarding the Application, which contains the following statement in reference to 711:

   > [D]iodes are operated in pulsed mode, which is non-steady state.

   That statement is incorrect. Pulsed operation of a diode laser does not equal non-steady-state operation of a diode laser. Only for the first 50-100 nanoseconds of a pulse, is a diode laser considered to be operating in non-steady-state mode. After the first 50-100 nanoseconds of a pulse, a diode laser operates in a quasi-continuous wave mode.

Respectfully submitted,

Richard Scheps

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out plans for ⟨*set up* a bank robbery⟩ **12** **a** : to pay for (drinks) **b** : to treat (someone) to something **13** **a** : to put in a compromising or dangerous position usu. by trickery or deceit **b** : FRAME 3 **14** : to execute one or more plays in preparation for scoring ~ *vi* **1** : to come into active operation or use **2** : to begin business **3** : to make pretensions ⟨has never *set up* to be a wise man —Thomas Rogers⟩ **4** : to become firm or consolidated : HARDEN — **set up housekeeping** : to establish one's living quarters — **set up shop** : to establish one's business

sev·en \'se-vən, 'se-bᵊm\ *n* [ME, fr. *seven*, adj., fr. OE *seofon*; akin to OHG *sibun* seven, L *septem*, Gk *hepta*] (bef. 12c) **1** — see NUMBER table **2** : the seventh in a set or series ⟨the ~ of diamonds⟩ **3** : something having seven units or members — **seven** *adj* — **seven** *pron, pl in constr*

sev·en·fold \-ˌfōld\ *adj* (bef. 12c) **1** : having seven units or members **2** : being seven times as great or as many — **sevenfold** *adv*

seven seas *n pl* (1872) : all the waters or oceans of the world

sev·en·teen \ˌse-vən-'tēn, ˌse-bᵊm-\ *n* [*seventeen*, adj., fr. ME *seventene*, fr. OE *seofontēne*; akin to OE *tīen* ten] (14c) — see NUMBER table — **seventeen** *adj* — **seventeen** *pron, pl in constr* — **sev·en·teenth** \-'tēn(t)th\ *adj or n*

seventeen–year locust *n* (1817) : a cicada (*Magicicada septendecim*) of the U.S. that has in the North a life of seventeen years and in the South of thirteen years of which most is spent underground as a nymph and only a few weeks as a winged adult

sev·enth \'se-vən(t)th, 'se-bᵊm(t)th\ *n, pl* **sevenths** \'se-vən(t)s, -vən(t)ths; 'se-bᵊm(t)s, -bᵊm(t)ths\ (12c) **1** — see NUMBER table **2** **a** : a musical interval embracing seven diatonic degrees **b** : a tone at this interval; *specif* : LEADING TONE **c** : the harmonic combination of two tones a seventh apart — **seventh** *adj or adv*

seventh chord *n* (ca. 1909) : a chord comprising a fundamental tone with its third, fifth, and seventh

Seventh–Day *adj* (1684) : advocating or practicing observance of Saturday as the Sabbath

seventh heaven *n* [fr. the seventh being the highest of the seven heavens of Islamic and cabalist doctrine] (1818) : a state of extreme joy

sev·en·ty \'se-vən-tē, 'se-bᵊm-, -dē\ *n, pl* **-ties** [*seventy*, adj., fr. ME, fr. OE *seofontig*, short for *hundseofontig*, fr. *hundseofontig*, n., group of seventy, fr. *hund* hundred + *seofon* seven + *-tig* group of ten; akin to OE *tīen* ten] (13c) **1** — see NUMBER table **2** *pl* : the numbers 70 to 79; *specif* : the years 70 to 79 in a lifetime or century **3** *cap* : a Mormon elder ordained for missionary work under the apostles — **sev·en·ti·eth** \-tē-əth, -dē-\ *adj or n* — **seventy** *adj* — **seventy** *pron, pl in constr*

sev·en·ty–eight \ˌse-vən-tē-'āt, ˌse-bᵊm-, -dē-'āt\ *n* (ca. 1934) **1** — see NUMBER table **2** : a phonograph record designed to be played at 78 revolutions per minute — usu. written 78 — **seventy–eight** *adj* — **seventy–eight** *pron, pl in constr*

sev·en–up \ˌse-və-'nəp, ˌse-bᵊm-'əp\ *n* (1830) : an American variety of all fours in which a total of seven points constitutes game

sev·er \'se-vər\ *vb* **sev·ered; sev·er·ing** \'sev-riŋ, 'se-və-\ [ME, fr. MF *severer*, fr. L *separare* — more at SEPARATE] *vt* (14c) : to put or keep apart : DIVIDE; *esp* : to remove (as a part) by or as if by cutting ~ *vi* : to become separated *syn* see SEPARATE

sev·er·able \'sev-rə-bəl, 'se-və-\ *adj* (1548) : capable of being severed; *esp* : capable of being divided into legally independent rights or obligations — **sev·er·abil·i·ty** \ˌsev-rə-'bi-lə-tē, ˌse-və-\ *n*

[1]**sev·er·al** \'sev-rəl, 'se-və-\ *adj* [ME, fr. AF, fr. ML *separalis*, fr. L *separ* separate, back-formation fr. *separare* to separate] (15c) **1** **a** : separate or distinct from one another ⟨federal union of the ~ states⟩ **b** (1) : individually owned or controlled : EXCLUSIVE ⟨a ~ fishery⟩ — compare COMMON (2) : of or relating separately to each individual involved ⟨a ~ judgment⟩ **c** : being separate and distinctive : RESPECTIVE ⟨specialists in their ~ fields⟩ **2** **a** : more than one ⟨~ pleas⟩ **b** : more than two but fewer than many ⟨moved ~ inches⟩ **c** *chiefly dial* : being a great many

[2]**several** *pron, pl in constr* (1686) : an indefinite number more than two and fewer than many ⟨~ of the guests⟩

sev·er·al·fold \ˌsev-rəl-'fōld, ˌse-və-\ *adj* (1738) **1** : having several parts or aspects **2** : being several times as large, as great, or as many as some understood size, degree, or amount — **severalfold** *adv*

sev·er·al·ly \'sev-rə-lē, 'se-və-\ *adv* (14c) **1** : one at a time : each by itself : SEPARATELY **2** : apart from others : INDEPENDENTLY

sev·er·al·ty \'sev-rəl-tē, 'se-və-\ *n* [ME *severalte*, fr. AF *severalté*, fr. *several*] (15c) **1** : the quality or state of being several : DISTINCTNESS, SEPARATENESS **2** **a** : a sole, separate, and exclusive possession, dominion, or ownership : one's own right without a joint interest in any other person ⟨tenants in ~⟩ **b** : the quality or state of being individual or particular **3** **a** : land owned in severalty **b** : the quality or state of being held in severalty

sev·er·ance \'sev-rən(t)s, 'se-və-\ *n* (15c) : the act or process of severing : the state of being severed

severance pay *n* (1943) : an allowance usu. based on length of service that is payable to an employee on termination of employment

severance tax *n* (1928) : a tax levied by a state on the extractor of oil, gas, or minerals intended for consumption in other states — compare ROYALTY 5a

se·vere \sə-'vir\ *adj* **se·ver·er; -est** [MF or L; MF, fr. L *severus*] (1548) **1** **a** : strict in judgment, discipline, or government **b** : of a strict or stern bearing or manner : AUSTERE **2** : rigorous in restraint, punishment, or requirement : STRINGENT, RESTRICTIVE **3** : strongly critical or condemnatory : CENSORIOUS ⟨a ~ critic⟩ **4** **a** : maintaining a scrupulously exacting standard of behavior or self-discipline **b** : establishing exacting standards of accuracy and integrity in intellectual processes ⟨a ~ logician⟩ **5** : sober or restrained in decoration or manner : PLAIN **6** **a** : inflicting physical discomfort or hardship : HARSH ⟨~ winters⟩ **b** : inflicting pain or distress : GRIEVOUS ⟨a ~ wound⟩ **7** : requiring great effort : ARDUOUS ⟨a ~ test⟩ **8** : of a great degree : SERIOUS ⟨~ depression⟩ — **se·vere·ly** *adv* — **se·vere·ness** *n* — **se·ver·i·ty** \sə-'ver-ə-tē\ *n*

syn SEVERE, STERN, AUSTERE, ASCETIC mean given to or marked by strict discipline and firm restraint. SEVERE implies standards enforced without indulgence or laxity and may suggest harshness ⟨*severe* military discipline⟩. STERN stresses inflexibility and inexorability of temper or character ⟨*stern* arbiters of public morality⟩. AUSTERE stresses absence of warmth, color, or feeling and may apply to rigorous restraint, simplicity, or self-denial ⟨living an *austere* life in the country⟩. ASCETIC implies abstention from pleasure and comfort or self-indulgence as spiritual discipline ⟨the *ascetic* life of the monastic orders⟩.

severe combined immunodeficiency *n* (1974) : a rare congenital disorder of the immune system that is characterized by inability to produce a normal complement of antibodies and T cells and that usu. results in early death — called also *severe combined immune deficiency*

se·vi·che \sə-'vē-(ˌ)chā, -chē\ *n* [AmerSp] (1952) : a dish of raw fish marinated in lime or lemon juice often with oil, onions, peppers, and seasonings and served esp. as an appetizer

Sevres *or* **Sèvres** \'sev-rə, 'sev(rᵊ)\ *n* [*Sèvres*, France] (1786) : an often elaborately decorated French porcelain

sev·ru·ga \sə-'vrü-gə, se-\ *n* [Russ *sevryuga*, a species of sturgeon] (1591) : a light to dark gray caviar from a sturgeon (*Acipenser sevru*) of the Caspian Sea that has very small roe; *also* : the fish

sew \'sō\ *vb* **sewed; sewn** \'sōn\ *or* **sewed; sew·ing** [ME, fr. OE *sīwian*; akin to OHG *siuwen* to sew, L *suere*] *vt* (bef. 12c) **1** : to unite or fasten by stitches **2** : to close or enclose by sewing ⟨~ the money in a bag⟩ ~ *vi* : to practice or engage in sewing — **sew·abil·i·ty** \ˌsō-ə-'bi-lə-tē\ *n* — **sew·able** \'sō-ə-bəl\ *adj*

sew·age \'sü-ij\ *n* [[3]*sewer*] (1834) : refuse liquids or waste matter carried off by sewers

[1]**sew·er** \'sü-ər, 'su̇(-ə)r\ *n* [ME, fr. AF *asseour*, lit., seater, fr. OF *asseoir* to seat — more at ASSIZE] (14c) : a medieval household officer often of high rank in charge of serving the dishes at table and sometimes of seating and tasting

[2]**sew·er** \'sō(-ə)r\ *n* (14c) : one that sews

[3]**sew·er** \'sü-ər, 'su̇(-ə)r\ *n* [ME, fr. MF *esseweur*, *seweur*, fr. *essewer* to drain, fr. (assumed) VL *exaquare*, fr. L ex- + *aqua* water — more at ISLAND] (15c) : an artificial usu. subterranean conduit to carry off sewage and sometimes surface water (as from rainfall)

sew·er·age \'sü-ə-rij, 'su̇(-ə)r-ij\ *n* (1834) **1** : the removal and disposal of sewage and surface water by sewers **2** : a system of sewers **3** : SEWAGE

sew·ing \'sō-iŋ\ *n* (14c) **1** : the act, method, or occupation of one that sews **2** : material that has been or is to be sewed

sew up *vt* (15c) **1** : to mend completely by sewing **2** : to get exclusive use or control of **3** : to make certain of : ASSURE

[1]**sex** \'seks\ *n* [ME, fr. L *sexus*] (14c) **1** : either of the two major forms of individuals that occur in many species and that are distinguished respectively as female or male **2** : the sum of the structural, functional, and behavioral characteristics of living things that are involved in reproduction by two interacting parents and that distinguish males and females **3** **a** : sexually motivated phenomena or behavior **b** : SEXUAL INTERCOURSE **4** : GENITALIA

[2]**sex** *vt* (1884) **1** : to identify the sex of ⟨~ chicks⟩ **2** **a** : to increase the sexual appeal of — often used with *up* **b** : to arouse the sexual desires of

sex·a·ge·nar·i·an \ˌsek-sə-jə-'ner-ē-ən\ *n* [L *sexagenarius* of or containing sixty, sixty years old, fr. *sexageni* sixty each, fr. *sexaginta* sixty, fr. *sex* six + *-ginta* (akin to L *viginti* twenty) — more at SIX, VIGESIMAL] (1738) : a person whose age is in the sixties — **sexagenarian** *adj*

[1]**sex·a·ges·i·mal** \-'je-sə-məl\ *adj* [L *sexagesimus* sixtieth, fr. *sexaginta* sixty] (1685) : of, relating to, or based on the number 60

[2]**sexagesimal** *n* (1685) : a sexagesimal fraction

sex appeal *n* (1924) **1** : personal appeal or physical attractiveness for members of the opposite sex **2** : general attractiveness

sex cell *n* (1889) : GAMETE; *also* : its cellular precursor

sex chromatin *n* (1952) : BARR BODY

sex chromosome *n* (1906) : a chromosome that is inherited differently in the two sexes, that is concerned directly with the inheritance of sex, and that is the seat of factors governing the inheritance of various sex-linked and sex-limited characters

sex·de·cil·lion \ˌseks-di-'sil-yən\ *n, often attrib* [L *sedecim*, *sexdecim* sixteen (fr. *sex* six + *decem* ten) + E *-illion* (as in *million*) — more at TEN] (ca. 1934) — see NUMBER table

sexed \'sekst\ *adj* (ca. 1891) **1** : having sex or sexual instincts **2** : having sex appeal

sex gland *n* (1935) : GONAD

sex hormone *n* (1917) : a hormone (as from the gonads or adrenal cortex) that affects the growth or function of the reproductive organs or the development of secondary sex characteristics

sex·ism \'sek-ˌsi-zəm\ *n* [[1]*sex* + *-ism* (as in *racism*)] (1968) **1** : prejudice or discrimination based on sex; *esp* : discrimination against women **2** : behavior, conditions, or attitudes that foster stereotypes of social roles based on sex — **sex·ist** \'sek-sist\ *adj or n*

sex kitten *n* (1958) : a young woman with conspicuous sex appeal

sex·less \'seks-ləs\ *adj* (1598) **1** : lacking sex : NEUTER **2** : devoid of sexual interest or activity ⟨a ~ relationship⟩ — **sex·less·ly** *adv* — **sex·less·ness** *n*

sex–lim·it·ed \'seks-'li-mə-təd\ *adj* (1923) : expressed in the phenotype of only one sex

sex–link·age \-ˌliŋ-kij\ *n* (1912) : the quality or state of being sex-linked

sex–linked \-ˌliŋ(k)t\ *adj* (1912) **1** : located on a sex chromosome ⟨a ~ gene⟩ **2** : mediated by a sex-linked gene ⟨a ~ character⟩

sex object *n* (1911) : a person regarded esp. exclusively as an object of sexual interest

sex·ol·o·gy \sek-'sä-lə-jē\ *n* (1902) : the study of sex or of the interaction of the sexes esp. among human beings — **sex·ol·o·gist** \-jist\ *n*

sex·ploi·ta·tion \ˌseks-ˌplȯi-'tā-shən\ *n* [blend of *sex* and *exploitation*] (ca. 1942) : the exploitation of sex in the media and esp. in film

sex·pot \'seks-ˌpät\ *n* (1948) : a conspicuously sexy woman

sex symbol *n* (ca. 1911) : a usu. renowned person (as an entertainer) noted and admired for conspicuous sex appeal